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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,899	01/29/2004	Masanori Amano	032111	2604
38834	7590	02/14/2006	EXAMINER	
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036			SIMONE, CATHERINE A	
			ART UNIT	PAPER NUMBER
			1772	

DATE MAILED: 02/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/765,899

Applicant(s)

AMANO ET AL.

Examiner

Catherine Simone

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Withdrawn Rejections***

1. The 35 U.S.C. 102 rejection of claims 1, 3, 5 and 7 as anticipated by Komura of record in the Office Action mailed 9/7/05, Page 2, Paragraph #2 has been withdrawn due to the Applicant's amendment filed 12/7/05.
2. The 35 U.S.C. 103 rejection of claims 2, 4, 6 and 8 over Komura of record in the Office Action mailed 9/7/05, Pages 3-4, Paragraph #4 has been withdrawn due to the Applicant's amendment filed 12/7/05.

***~ Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-4 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The recitation "linear strips" in claims 1 and 3 is deemed new matter. The specification, as originally filed, does not provide support for the invention as is now claimed.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Hasegawa et al. (US 2002/0126247 A1).

Regarding claims 1 and 3, Hasegawa et al. discloses a layer forming relief for transferring and printing an application fluid applied on printing convex portions on a printing object, the layer forming relief comprising the printing convex portions formed as linear strips (Fig. 7b, element 119 and see paragraph 0051, line 6), adjoining printing convex portions aligned to be parallel with each other with a prescribed space (Fig. 7b, element 112), and a plurality of micro-projections and projected micro-strips (Fig. 7b, elements 111) distributed on the top faces of each of the printing convex portions so as to form a groove between adjoining micro-projections and micro-strips for retaining the application fluid.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hasegawa et al. (US 2002/0126247 A1) in view of Amano et al. (JP 2002-293049; refer to computer translation).

As shown above, Hasegawa et al. teaches a layer forming relief for transferring and printing an application fluid applied on printing convex portions on a printing object as presently claimed. Hasegawa et al. also teaches the application fluid being an organic luminous substance (see paragraph 0004, line 4). However, Hasegawa et al. fails to teach the micro-projections being formed into a truncated cone or a cylinder and the cross section of the projected micro-strips in the direction perpendicular to the longitudinal direction being trapezoidal or rectangular. Additionally, Hasegawa et al. fails to teach the height of the micro-projections and projected micro-strips being in the range of 2 to 55  $\mu\text{m}$ , the space between adjoining micro-projections and projected micro-strips being 7  $\mu\text{m}$  or more, the diameter of the top face of the micro-projections being 5  $\mu\text{m}$  or more, the width of the top face of the projected micro-strips being 3.5  $\mu\text{m}$  or more, and the number of micro-projections and projected micro-strips being in the range of 2 to 33.

Amano et al. teaches that it is old and well known in the art to have a layer forming relief including micro-projections formed of a truncated cone or cylinder shape (see paragraph 0010, line 1) and projected micro-strips where the cross section of the projected micro-strips is rectangular or trapezoidal in the direction perpendicular to the longitudinal direction (see paragraph 0010, line 1 and drawing 3, element 3) and further the height of the micro-projections and projected micro-strips being in the range of 2 to 55  $\mu\text{m}$  (see paragraph 0019, lines 5-6), the space between adjoining micro-projections and projected micro-strips being 7  $\mu\text{m}$  or more (see paragraph 0019, lines 4-5), the diameter of the top face of the micro-projections being 5  $\mu\text{m}$  or

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more (see paragraph 0020), the width of the top face of the projected micro-stripes being 3.5  $\mu\text{m}$  or more (see paragraph 0020) and the number of micro-projections and projected micro-stripes being in the range of 2 to 33 (see paragraph 0017) for the purpose of producing a resin relief printing plate for forming a thin film by which a marginal phenomenon is prevented from being generated and an oriented film with a uniform thickness can be formed.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have modified the micro-projections and projected micro-stripes in Hasegawa et al. to have the micro-projections formed into a truncated cone or a cylinder shape and the cross section of the projected micro-stripes in the direction perpendicular to the longitudinal direction be trapezoidal or rectangular, and the height of the micro-projections and projected micro-stripes be in the range of 2 to 55  $\mu\text{m}$ , the space between adjoining micro-projections and projected micro-stripes be 7  $\mu\text{m}$  or more, the diameter of the top face of the micro-projections be 5  $\mu\text{m}$  or more, the width of the top face of the projected micro-stripes be 3.5  $\mu\text{m}$  or more and the number of micro-projections and projected micro-stripes be in the range of 2 to 33 as suggested by Amano et al. in order to produce a resin relief printing plate for forming a thin film by which a marginal phenomenon is prevented from being generated and an oriented film with a uniform thickness can be formed.

### ***Response to Arguments***

9. Applicant's arguments with respect to claims 1-4 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Catherine Simone whose telephone number is (571)272-1501. The examiner can normally be reached on 9:30-6:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Catherine A. Simone  
Examiner  
Art Unit 1772  
February 10, 2006



HAROLD PYON  
SUPERVISORY PATENT EXAMINER  
1772 2/10/06